

/Kelly Bekker/

09/16/2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hyung-Tae LIM)	Group Art Unit: 1794
)	
Application Serial No.: 10/509,666)	Examiner: Mahafkey, Kelly J.
)	
Filed: September 27, 2004)	Confirmation No.: 2354
)	
For: NOODLE PRODUCT INCLUDING)	
VEGETABLES-CONTAINING TEABAG AND)	
OIL-EXCLUDING FUMIGATED NOODLE,)	
AND PACKAGE FOR NOODLE AND SOUP)	
)	

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE AND AMENDMENT UNDER 37 C.F.R. § 1.116

Sir:

This is in reply to the final Office Action, mailed May 7, 2009.

Reconsideration in light of the following revisions and remarks is respectfully requested.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims:

1. (Canceled)

2. (Currently amended) ~~A~~ An instant noodle product comprising in one container:

noodles prepared by a method comprising (a) kneading together noodle materials consisting essentially of flour, potato starch in an amount of 5% to 10% of the total weight of said noodle materials, ~~wheat~~ flour, starch acetate, purified salt, sodium L-glutamate, refined sugar and palm oil, to form kneaded noodles; (b) cutting said noodles to form cut noodles; (c) steaming said cut noodles to form steamed noodles, wherein said steaming includes infusing said cut noodles with flavor; and (d) cooling and drying said cut noodles without frying; ~~and~~
a powdered soup base; and

a teabag containing powders or pellets of dried pollack shreds and powders or pellets of vegetables comprising radish juice, bean sprout juice, green tea leaves, green onion, green chili pepper, dried mushroom, sea tangle, garlic, and onion.

3. (Currently amended) ~~A~~ An instant noodle product comprising in one container:

noodles prepared by a method comprising (a) kneading together noodle materials consisting essentially of flour, potato starch in an amount of 5% to 10% of the total weight of said noodle materials, ~~wheat~~ flour, starch acetate, purified salt, sodium L-glutamate, refined sugar and palm oil, to form kneaded noodles; (b) cutting said noodles to form cut noodles; (c) steaming said cut noodles to form steamed noodles, wherein said steaming includes infusing said cut noodles with flavor; and (d) cooling and drying said cut noodles without frying;
a powdered soup base;

a teabag containing powders or pellets of dried pollack shreds and powders or pellets of

vegetables comprising green tea leaves, green onion, green chili pepper, dried mushroom, sea tangle, garlic, and onion; and

a wrapper containing radish juice and bean sprout juice mixed with the powdered soup base of an instant ramen product to form a liquid mixture.

4. (Currently amended) ~~A~~ An instant noodle product comprising in one container:

noodles prepared by a method comprising (a) kneading together noodle materials consisting essentially of flour, potato starch in an amount of 5% to 10% of the total weight of said noodle materials, ~~wheat~~ flour, starch acetate, purified salt, sodium L-glutamate, refined sugar and palm oil, to form kneaded noodles; (b) cutting said noodles to form cut noodles; (c) steaming said cut noodles to form steamed noodles, wherein said steaming includes infusing said cut noodles with flavor; and (d) cooling and drying said cut noodles without frying; ~~and~~
a powdered soup base;

a teabag containing powders or pellets of dried pollack shreds, powders or pellets of flakes comprising lyophilized green onion, green chili pepper and dried mushroom, and
powders or pellets of vegetables comprising green tea leaves, sea tangle, garlic, and onion; and

a wrapper containing radish juice and bean sprout juice mixed with the powdered soup base of an instant ramen product to form a liquid mixture, or powders or pellets of radish juice and bean sprout juice mixed with the powdered soup base of the instant ramen product to form a solid mixture.

5. (Currently amended) ~~A~~ An instant noodle product comprising in one container:

noodles prepared by a method comprising (a) kneading together noodle materials consisting essentially of flour, potato starch in an amount of 5% to 10% of the total weight of said noodle materials, ~~wheat~~ flour, starch acetate, purified salt, sodium L-glutamate, refined sugar and palm oil, to form kneaded noodles; (b) cutting said noodles to form cut noodles; (c) steaming said cut noodles to form steamed noodles, wherein said steaming includes infusing said cut noodles with flavor; and (d) cooling and drying said cut noodles without frying; ~~and~~
a powdered soup base;

a first teabag containing flakes comprising lyophilized green tea leaves, green onion, green chili pepper and dried mushroom;

a second teabag containing powders or pellets of dried pollack shreds and powders or pellets of vegetables comprising sea tangle, garlic, and onion; and

a wrapper containing radish juice and bean sprout juice mixed with the powdered soup base of an instant ramen product to form a liquid mixture, or powders or pellets of radish juice and bean sprout juice mixed with the powdered soup base of the instant ramen product to form a solid mixture.

6. (Currently amended) The instant noodle product of claim 2, comprising 30g of radish juice, 11g of bean sprout juice, 7.5g of green onion, 8g of green chili pepper, 0.5g of dried mushroom, 11g of onion, 3g of dried pollack shreds, 4.3g of garlic, 5.4g of sea tangle and 1.5g of green tea leaves, based on 10g of the powdered soup base.

7-16. (Canceled)

17. (Currently amended) The instant noodle product of claim 3, comprising 30g of radish juice, 11g of bean sprout juice, 7.5g of green onion, 8g of green chili pepper, 0.5g of dried mushroom, 11g of onion, 3g of dried pollack shreds, 4.3g of garlic, 5.4g of sea tangle and 1.5g of green tea leaves, based on 10g of the powdered soup base.

18. (Currently amended) The instant noodle product of claim 4, comprising 30g of radish juice, 11g of bean sprout juice, 7.5g of green onion, 8g of green chili pepper, 0.5g of dried mushroom, 11g of onion, 3g of dried pollack shreds, 4.3g of garlic, 5.4g of sea tangle and 1.5g of green tea leaves, based on 10g of the powdered soup base.

19. (Currently amended) The instant noodle product of claim 5, comprising 30g of radish juice, 11g of bean sprout juice, 7.5g of green onion, 8g of green chili pepper, 0.5g of dried mushroom, 11g of onion, 3g of dried pollack shreds, 4.3g of garlic, 5.4g of sea tangle and 1.5g of green tea leaves, based on 10g of the powdered soup base.

20-22. (Canceled)

REMARKS

Claims 2-6 and 17-19 are pending in the application. Claims 20-22 have been canceled without prejudice. Support for “instant noodle product” can be found at page 6 in the application. Support for “ramen” can be found at page 15. Applicants note that “ramen” and “ramyun” are interchangeably used in the present application, as they are transliterative expressions of the same noodle product. No new matter has been introduced, and entry of the above revised claims is respectfully requested.

Rejection Under 35 U.S.C. §112, second paragraph

Claims 2-6, 17-19, 21 and 22 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested. It is believed that the amended claims 2-6 and 17-19 overcome this rejection. Claims 21-22 have been canceled without prejudice.

Rejection Under 35 U.S.C. §103(a) Over Baek ‘294 (KR 1995-016294 Abstract only) In View of Bittman (How to Cook Everything Simple Recipes for Great Food, pgs. 41-44, 51, 499-502, 524-525, and 601) and Taka (Green tea Soup- Raka Tea Garden Specialty Pages 1-4, <http://www.takateagarden.com.au/brewing.htm>, August 25, 2001) and Ito ‘301 (JP 1991-366301 Abstract Only) and Yagou ‘960 (JP 59-074960 Abstract Only)

Claims 2-4, 6, 17, 18, 21, and 22 have been rejected under 35 U.S.C. §103(a) as being obvious over Baek ‘294 in view of Bittman, Taka, Ito ‘301, and Yagou ‘960. Ito ‘301 and Yagou ‘960 are newly cited references. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

The presently claimed invention

The presently claimed invention is directed to an “instant noodle product” comprising in one container noodles, a powdered soup base, and a teabag for broth containing powders or pellets of dried pollack shreds and vegetables (See the Experimental Example for Soup Taste, page 15 in the Specification).

Instant noodle is conventionally made by frying noodles in oil, thereby being too fatty (see the internet search result regarding “ramen”, included as Exhibit A), and the uptake of too

much fat may lead to a multitude of side effects. In addition, the present invention provides instant noodles, colloquially known as ramen or ramyun, with improved taste and flavor, particularly with reduction of fatty taste, which is found unpalatable by many, by adding powder or pellets of a certain combination of radish juice, bean sprout juice, green tea leaves, green onion, green chili pepper, dried mushroom, sea tangle, garlic, onion, and dried pollack shreds (see Experimental Example for Soup Taste, page 15 in the Specification).

In particular, the instant noodle product of the present invention has a reduced fatty taste in comparison with conventionally prepared instant noodle product by means of steaming noodles while infusing with flavor without frying.

Baek ‘294

Baek ‘294 relates to a teabag type powdered soup for instant noodles (ramen). Baek ‘294 discloses that the powdered soup base is contained within a teabag type of package so that the soup can be cooked without having to open the wrapper and the consumer can enjoy a sense of security based on the fact that the insoluble additives will not enter into the soup. In other words, the substance contained within a teabag type of package is the powdered soup base of conventional instant noodles, not dried pollack shreds and vegetables of the claimed invention.

As the Examiner has acknowledged, Baek ‘294 fails to disclose or suggest adding a teabag for a broth of radish juice, bean sprout juice, green tea leaves, green onion, green chili pepper, dried mushroom, sea tangle, garlic, onion, and dried pollack shreds as in the claimed invention. Further, Baek ‘294 fails to appreciate any favorable effects of adding such ingredients. Baek ‘294 also fails to disclose or suggest noodles steamed while being infused with flavor without frying.

Bittman

Bittman is a cookbook disclosing a recipe for soup but not instant noodles such as ramen. Soup is a food that is made by combining ingredients such as meat, fish, vegetables or legumes in hot/boiling water, until the flavor is extracted, forming a broth (see the internet search result from Wikipedia for “soup”, Exhibit B). Soup is not an instant noodle product.

Therefore the two cannot be compared. And Bittman fails to be relevant to the claimed invention.

Moreover, Bittman discloses that various vegetables and fish are commonly used as materials for the broth of a soup dish. However, Bittman fails to disclose or suggest using teabag for making a broth for instant noodles containing radish juice, bean sprout juice, green tea leaves, green onion, green chili pepper, dried mushroom, sea tangle, garlic, onion, and dried pollack shreds. Bittman also fails to disclose or suggest noodles steamed while being infused with flavor without frying.

Taka

Taka discloses a soup prepared by pouring boiling water or hot green tea into green tea ingredient, spring onion and cooked slices of fish. More particularly, Taka discloses a bowl of rice topped with a green tea ingredient, spring onion and cooked slices of fish, which is prepared by topping with green tea ingredient, spring onion and cooked slices of fish on cooked rice, followed by pouring boiling water or hot green tea on top.

In Taka, the material packed within a bag for broth is only green tea. Spring onion and cooked slices of fish are materials for topping the rice, prepared separately during cooking. Therefore, Taka fails to disclose or suggest a teabag containing various vegetables and dried pollack shreds for broth for the instant noodle. Taka also fails to disclose or suggest noodles that are steamed while being infused with flavor without frying.

Ito '301

Ito '301 discloses a noodle product prepared by infusing the noodle with flavor during steaming. However, Ito '301 fails to disclose or suggest a teabag for a broth for the instant noodles containing various vegetables and dried pollack shreds.

Yagou '960

Yagou '960 discloses a noodle product comprising 1-30% potato starch. However, Yagou '960 fails to disclose or suggest a teabag for a broth of instant noodles containing various

vegetables and dried pollack shreds. Yagou '960 also fails to disclose or suggest noodles steamed while being infused with flavor without frying.

The Examiner's attention is directed to Exhibit C, which is a table comparing the disclosures of the cited references compared with the presently claimed invention. As discussed above and as seen in the comparison table of Exhibit C, the content of the inventive noodle product has excellent effects including improved taste and flavor, and in particular, reduced fatty taste.

In one aspect, the presently claimed invention provides a particular combination of specific vegetables and dried pollack shreds for improving the taste and flavor of a broth suitable for an instant noodle product. Further support for the advantageous properties of the claimed noodle product can be found at least in the Experimental Example for Soup Taste in the description of the present application at page 15. Specifically, the table at page 15 states that "it can be found that, when the conventional spicy flavorings of Jin Ramen are mixed with vegetable broth, the flavor is improved relative to the other brands of noodles." Thus, the present specification provides experimental data that shows that the inventive instant noodle product has remarkable effects.

Given the above analysis of the cited references as discussed above, it is believed that the presently claimed invention is not obvious over the cited references.

Rejection Under 35 U.S.C. §103(a) Over Baek '294 In View of Bittman and Taka and Kim (KR 20-0174363 Abstract Only) and Ito '301 and Yagou '960

Claims 5 and 19 have been rejected under 35 U.S.C. §103(a) as being obvious over Baek '294, Bittman, Taka, Kim, Ito '301, and Yagou '960. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Baek '294, Bittman, Taka and Yagou '960 were discussed above.

Kim

Kim discloses a divided package for instant noodles (ramen) in which the soup base is separated. However, Kim fails to disclose or suggest teabag for broth of instant noodle containing various vegetables and dried pollack shreds. Kim also fails to disclose or suggest noodles steamed while being infused with flavor without frying.

Applicants submit that Kim fails to remedy the deficiencies of the Baek '294 in view of Bittman, Taka and Yagou '960 references in failing to disclose or suggest the presently claimed invention. Therefore, the presently claimed invention is not obvious over the cited references.

It is believed that the application is now in condition for the issuance of a notice of Allowance in due course. The Examiner is encouraged to contact the undersigned to further the prosecution of the present invention.

The Commissioner is authorized to charge JHK Law's Deposit Account No. **502486** for any fees required under 37 CFR §§ 1.16 and 1.17 and to credit any overpayment to said Deposit Account No. **502486**.

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Respectfully submitted,

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